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Paper No. 5

SPRINT COMMUNICATIONS COMPANY  
HARLEY R BALL  
8140 WARD PARKWAY 5W  
KANSAS CITY, MO 64114

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**JUN 28 2001**

**OFFICE OF PETITIONS  
A/C PATENTS**

In re Application of :  
Hargens and Temming :  
Application No. 09/628,831 : DECISION ACCORDING STATUS  
Filed: 31 July, 2000 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. 1320 :

This is in response to the renewed petition under 37 CFR 1.47(a)<sup>1</sup> filed on 22 February, 2001.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of registered patent attorney Travis C. Stephenson establishes that the non-signing inventor was mailed a copy of the application papers on two occasions but refused to execute the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As the petition and supporting documentation show that the application papers were received at 2808 McKinney Ave., Apt. 242, Dallas, TX 75204-8606 rather than at the Overland Park, KS address listed as the last known address, the Dallas, TX address

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<sup>1</sup>A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

will be construed as the last known address. Petitioners must inform the office if this is not a correct interpretation.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address listed above. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at 703-308-6918.



Douglas I. Wood  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy